

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF WISCONSIN
(MADISON)**

David Todd and Sharon Christnovich,)	
)	
Plaintiffs,)	Case No. Case No. 2:21-CV-00079
)	
v.)	Removed from:
)	
Radius Global Solutions, LLC,)	Dane County Circuit Court
)	Case No. 2020 CV 002121
Defendant.)	

NOTICE OF REMOVAL

PLEASE TAKE NOTICE that pursuant to 28 U.S.C. §§ 1331, 1441, and 1446, Defendant Radius Global Solutions, LLC (hereinafter “RGS”), by its attorneys, respectfully files this Notice of Removal to remove this action from the Circuit Court in Dane County, Wisconsin, to the United States District Court for the Western District of Wisconsin. In support of this Notice of Removal, RGS states as follows:

1. Plaintiff David Todd, originally commenced this action by filing a complaint against RGS in the Dane County Circuit Court, captioned *David Todd v. Radius Global Solutions, LLC*, Case No. 2020-CV-002121, on October 8, 2020. On December 3, 2020, the complaint was amended and plaintiff Sharon Christnovich was added to the lawsuit as a plaintiff. The complaint was served on RGS on January 4, 2021. A true and correct copy of the amended complaint is attached hereto as Exhibit A. No further proceedings before the state court have occurred.

2. For the reasons described below, this Court has jurisdiction over the state court action pursuant to 28 U.S.C. § 1331 because plaintiffs' amended complaint alleges a cause of action arising under the laws of the United States.

3. Specifically, plaintiffs' amended complaint alleges that RGS violated the Fair Debt Collection Practices Act, 15 U.S.C. § 1692, *et seq.*, due to RGS's allegedly unlawful collection activities concerning debts owed by plaintiffs. Plaintiffs' amended complaint seeks actual and statutory damages, as well as attorney's fees and costs.

4. The United States Supreme Court has affirmed that federal question jurisdiction exists when presented with a substantial federal question. *Grable & Sons Metal Prods., Inc. v. Darue Eng. & Mfg.*, 545 U.S. 308 (2005). Because plaintiffs seek relief for a cause of action arising under a federal statute, the amended complaint asserts a federal question under 28 U.S.C. § 1331 and 15 U.S.C. § 1692k, and it is therefore removable pursuant to 28 U.S.C. § 1441.

5. The amended complaint also alleges violations of the Wisconsin Consumer Act, Wis Stat. §§ 427.104, *et seq.* This Court has supplemental jurisdiction, pursuant to 28 U.S.C. § 1367, over this cause of action because it is based on the same operative facts alleged in the amended complaint with respect to plaintiffs' FDCPA claim and is so related to claims in the action within the Court's original jurisdiction that they form part of the case or controversy under Article III of the United States Constitution.

6. This Notice of Removal is timely filed pursuant to 28 U.S.C. § 1446(b) in that it is being filed within thirty (30) days after service of the amended complaint on

defendant RGS. Radius was served on January 4, 2021. *See* Exhibit B (state court docket) at D.E. 17.

7. The Dane County Circuit Court is located within the federal Western District of Wisconsin. Therefore, venue for purposes of removal is proper because the United States District Court for the Western District of Wisconsin embraces the place in which the removed action was pending. 28 U.S.C. § 1441(a).

8. Pursuant to 28 U.S.C. § 1446(d), a copy of this Notice of Removal is being caused to be served on plaintiffs, through their attorneys, at the address provided in the amended complaint. Notice will also be promptly filed with the clerk of the Dane County Circuit Court.

9. RGS files this Notice of Removal solely for the purpose of removing the state court action and does not waive, and specifically reserves, all defenses.

WHEREFORE, Defendant Radius Global Solutions, LLC gives notice that this action is removed to the United States District Court for the Western District of Wisconsin, and respectfully requests that no further proceedings in this matter be had in the Dane County Circuit Court.

Date: February 3, 2021

Respectfully submitted,

s/ Andrew E. Cunningham

Andrew E. Cunningham

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Attorneys for Defendant

Radius Global Solutions, LLC

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on February 3, 2021, I electronically filed the foregoing **Notice of Removal** with the Clerk of Court using the CM/ECF system. A copy of this document and all attachments are being delivered by regular mail and electronic mail to Plaintiff's counsel at the following address:

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Respectfully submitted,

s/ Andrew E. Cunningham
Andrew E. Cunningham, Esq.

Attorney for Defendant
Radius Global Solutions, LLC